## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

GARY PHILLIPS and DAPHNE R. PHILLIPS,	)	
Plaintiffs,	)	No.
v.	j	1,00
STATE FARM FIRE AND CASUALTY COMPANY	)	
Defendant.	)	

## **NOTICE OF REMOVAL**

Defendant, State Farm Fire and Casualty Company ("State Farm"), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Chancery Court for Scott County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

- 1. On August 30, 2017, Plaintiffs Gary and Daphne Phillips ("Plaintiffs"), commenced this civil action against Defendant State Farm in the Chancery Court for Scott County, Tennessee, Case No. 10,832. The Complaint and Summons were served upon State Farm on or about September 11, 2017. Attached hereto as **Exhibit A** is a copy of the Complaint which represents the entire contents of the state court file. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.
- 2. Upon information and belief, Plaintiffs are Tennessee residents. Plaintiffs allege property damage as the result of an alleged fire-related loss to their property located at 1141 Meadow Creek Road, Oneida, Scott County, Tennessee 37841. Plaintiffs further allege that

State Farm breached its contract with Plaintiffs and acted in bad faith, for which Plaintiffs seek recovery of the bad faith penalty.

- 3. Plaintiffs' Complaint requests actual damages in the amount of \$366,375, along with the alleged statutory bad faith penalty of 25%.
- 4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.
- 5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between Plaintiffs and Defendant.
- 6. This notice of removal is being filed within thirty days of September 11, 2017, the date on which the summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.
- 7. Pursuant to 28 U.S.C. § 1446(d), defendant will promptly give notice of this notice of removal to the Clerk of Scott County Chancery Court and to counsel for Plaintiff in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.
- 8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the Scott County Chancery Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 21st day of September, 2017.

## PAINE | BICKERS LLP

/s/ Matthew J. Evans

Matthew J. Evans (BPR #017973) Lindsey M. Collins (BPR #033426) 900 South Gay Street, Suite 2200 Knoxville, TN 37902 (865) 525-0880

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2017, the foregoing *Notice of Removal* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Matthew J. Evans

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